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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,625	02/10/2004	Masayuki Okamoto	1248-0700P	8685
2292	7590	06/29/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			DUONG, TAI V	
PO BOX 747			ART UNIT	
FALLS CHURCH, VA 22040-0747			PAPER NUMBER	

2871

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,625

Applicant(s)

OKAMOTO ET AL.

Examiner

Tai Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29 and 30 is/are allowed.
- 6) ☒ Claim(s) 21, 24-26, 31-35, 38, 39, 43, 48-52 and 55 is/are rejected.
- 7) ☒ Claim(s) 22, 23, 27, 28, 36, 37, 40-42, 44-47, 53 and 54 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/217,931.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The 102 rejection and the 112 rejection are withdrawn in view of the amendments to the claims.

Claims 23, 25-30, 36, 37, 40, 42, 46, 47, 53 and 54 are no longer withdrawn from consideration because the broadest claim 21 is allowed.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 21, 31, 32, 34, 38, 39, 43, 48-50 and 55 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 18 and 46 of U.S. Patent No. 6,281, 952. Although the conflicting claims are not identical, they are not patentably distinct from each other because all of the recited features of the instant claims are disclosed in the above patent claims. Therefore, the instant claims are broader in scope than the patent claims and are anticipated by the patent claims. Also, it would have been obvious to a person of ordinary skill in the art to broaden the scope of the patent claims by omitting the structure details of the LCD of the patent claims. As to claims 43 and 48-50, the purpose of using color filters of different brightness in the light transmitting and light reflecting display sections is to

compensate for differences in the number of times light passes through the liquid crystal layer in the light transmitting and light reflecting display sections, as apparent to a person of ordinary skill in the art.

Claims 21, 24, 26, 33, 35, 51, 52 and 55 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 69 and 73 of copending Application No. 10/177,149. Although the conflicting claims are not identical, they are not patentably distinct from each other because all of the recited features of the instant claims are disclosed in the above claims of the copending application. Therefore, the instant claims are broader in scope than the claims of the copending application and are anticipated by claims 69 and 73 of the copending application. Also, it would have been obvious to a person of ordinary skill in the art to broaden the scope of the claims of the copending application by omitting the structure details of the LCD of claims 69 and 73 of the copending application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 21 and 55 are included in the above obviousness-type double patenting rejections because they are broader in scope than claims 31, 35, 38 and 43.

Claim 26 is also included in the above obviousness-type double patenting rejection because it recites features similar to those of claim 24.

Claims 25, 29 and 30 are allowed because none of the prior art discloses or suggests the feature "wherein said light reflecting display sections are provided with

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color filters, and said light transmitting display sections are partially provided with color filters”.

Claims 22, 23, 25, 27, 28, 36, 37, 40, 41, 42, 44-47, 53 and 54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 22, 23, 27, 28, 36, 37, 40, 41, 42, 44-47, 53 and 54 are allowed because none of the prior art discloses or suggests the particular transmittance of the display sections, the particular brightness of the display sections, the particular chroma of the display sections, the particular structure of the color filters with respect to of the display sections, as recited in the claims.

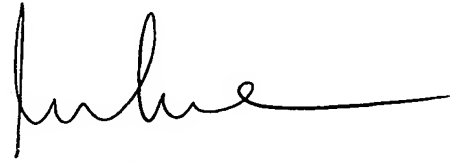
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication should be directed to Tai Duong at telephone number (571) 272-2291.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



**DUNG T. NGUYEN
PRIMARY EXAMINER**



TVD

06/05